

Message Text

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PAGE 01 STATE 105062 TOSEC 040103
ORIGIN PRS-01

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S/S - MR. SEBASTIAN
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FM SECSTATE WASHDC
TO USDEL SECRETARY IMMEDIATE
INFO AMEMBASSY ABIDJAN IMMEDIATE

UNCLAS STATE 105062 TOSEC 040103

FOR HODDING CARTER FROM S/PRS -BROWN. ABIDJAN FOR PATT DERIAN

E.O. 11652: N/A

TAGS: SOPN

SUBJECT: SAFIRE COLUMN MAY 9

NO. 13

1. HERewith FULL TEXT OF COLUMN MAY 9 BY WILLIAM SAFIRE
ENTITLED "ON CARTESIAN ETHICS."

2. BEGIN TEXT:

WASHINGTON -- WITH GREAT FANFARE, PRESIDENT CARTER HAS
ANNOUNCED HIS PROPOSAL FOR "THE ETHICS IN GOVERNMENT ACT
OF 1977," ITS PURPOSE "TO REMOVE ANY POSSIBILITY OF
HIDDEN CONFLICT OF INTEREST."

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PAGE 02 STATE 105062 TOSEC 040103

BUT IF A CONFLICT IS NOT "HIDDEN" DOES IT BECOME
PERMISSIBLE? HERE IS A CASE IN WHICH TWO CARTER SUBCABINET
APPOINTEES HAVE PROPERLY DISCLOSED THEIR FINANCIAL
DEALINGS, AND HAVE BEEN CARTER ADMINISTRATION PERMISSION
TO ENGAGE IN WHAT SEEMS TO ME TO BE A BRAZEN CONFLICT
OF INTEREST.

HODDING CARTER III, ASSISTANT SECRETARY OF STATE FOR PUBLIC AFFAIRS, AND PATRICIA DERIAN, THE STATE DEPARTMENT'S COORDINATOR FOR HUMAN RIGHTS, HAVE BEEN PRESIDENT AND CHAIRPERSON OF A GROUP APPLYING TO THE FEDERAL COMMUNICATIONS COMMISSION FOR A TELEVISION LICENSE IN JACKSON, MISSISSIPPI.

EACH IS CURRENTLY SUBSCRIBED TO 9 PERCENT OF THE STOCK OF THE APPLICANT, CIVIC COMMUNICATIONS CORP. INDUSTRY SOURCES SAY THAT A LICENSE FOR A STATION IN THAT AREA SHOULD BE WORTH ABOUT SEVEN MILLION DOLLARS; THEREFORE, IF THE FCC SHOULD CHOOSE THE CARTER-DERIAN APPLICANT, SECRETARY CARTER AND COORDINATOR DERIAN WOULD EACH PROFIT BY OVER \$600,000.

RECOGNIZING THE OBVIOUS CONFLICT, BOTH RESIGNED AS OFFICERS OF THE APPLICANT CORPORATION WHEN THEY RECEIVED THEIR GOVERNMENT APPOINTMENTS. BUT THEY TRIED TO HOLD ON TO THEIR SUBSCRIPTION RIGHTS TO THE STOCK, AND TO LET THE APPLICANT AFFIRM TO THE FCC THAT THEY WOULD REJOIN THE CORPORATION AFTER THEIR GOVERNMENT SERVICE WAS OVER.

THAT MADE THEIR "RESIGNATION" A SHAM. THE TWO PRESIDENTIAL APPOINTEES STILL WANTED THEIR NAMES LISTED AS FUTURE STATION OPERATORS TO HELP OBTAIN THE LICENSE FROM THE FCC AND THEY WANTED TO HOLD ON TO THE FINANCIAL INTEREST THAT WOULD SKYROCKET IF THAT GOVERNMENT AGENCY CHOSE THE APPLICATION GARLANDED WITH THE NAMES OF HIGH-LEVEL UNCLASSIFIED

UNCLASSIFIED

PAGE 03 STATE 105062 TOSEC 040103

PRESIDENTIAL APPOINTEES.

CHEERFULLY, THE STATE DEPARTMENT'S OFFICE OF LEGAL ADVISOR, APPROVED THE DEAL. (THAT OFFICE FOLLOWS ORDERS: ITS LAST BIG DECISION WAS TO DECLARE SECRETARY KISSINGER'S PUBLIC PAPERS TO BE HIS PRIVATE PROPERTY.) IN A LETTER DATED APRIL 12, THIS ARBITER OF PROBITY GAVE MR CARTER AND MRS DERIAN THE HAPPY NEWS THAT THEIR "LIMITED CONNECTIONS" WITH THE APPLICANT "DO NOT VIOLATE APPLICABLE CONFLICT OF INTEREST REQUIREMENTS...."

SEVERAL OF THE APPLICANTS TO CHANNEL 3 IN JACKSON, NOT BLESSED WITH OWNERSHIP BY INFLUENTIAL WASHINGTON BUREAUCRATS, OBJECTED. "SO LONG AS MR CARTER AND MRS DERIAN RETAIN THEIR STOCK SUBSCRIPTION INTERESTS IN CIVIC AND THEIR INTENTION TO RESUME THEIR POSITIONS AS OFFICERS AND DIRECTORS," WROTE ONE TO THE FCC "... THEY REMAIN IN CIVIC FOR THE USE OF THEIR VARIOUS QUALIFICATIONS ... AT THE SAME TIME THAT THEY WILL BE HIGH OFFICIALS OF

THE DEPT OF STATE."

THE CARTER-DERIAN GROUP BRUSHED OFF CHARGES OF CONFLICT OF INTEREST" AND "POTENTIAL FOR IMPROPER INFLUENCE" BY SIMPLY CITING THE STATE DEPT RULING, AS IF AN ETHICAL ACT IS WHAT THE LEGAL ADVISER SAYS IT IS.

A FEW DAYS AGO, AN ADMINISTRATIVE LAW JUDGE AT THE FCC REFUSED TO SWALLOW THE CARTER-DERIAN ATTEMPT TO HAVE IT BOTH WAYS: "THE FACT THAT THE STATE DEPT'S CONFLICT OF INTEREST RULES APPARENTLY ALLOW MR CARTER AND MRS DERIAN TO RETAIN THEIR LIMITED CONNECTIONS (THROUGH STOCK SUBSCRIPTIONS) WITH CIVIC HAS NO BEARING ON WHAT CAN OR CANNOT BE CONSIDERED IN THE COMPARATIVE PROCESS."

IN OTHER WORDS, THE PROMISED RETURN TO THE APPLICANT OF UNCLASSIFIED

UNCLASSIFIED

PAGE 04 STATE 105062 TOSEC 040103

THE HIGH APPOINTEES OUGHT NOT -- AS THE CARTER-DERIAN GROUP WISHES -- TO GIVE THEM AN EDGE IN THE FCC DECISION. LET'S HOPE NOT.

BUT THE FACT THAT PRES CARTER'S APPOINTEES TRIED THIS MANEUVER IS OMINOUS; THAT THE STATE DEPT APPROVED THE DEAL IS INSTRUCTIVE; THAT TWO HIGH OFFICIALS IN OUR GOVT STILL STAND TO MAKE OVER A HALF MILLION DOLLARS EACH BY A DECISION OF ANOTHER GOVT AGENCY IS A DISGRACE; AND THAT THE CARTER ADMINISTRATION, WHILE GRINDING OUT PRESS RELEASES ON ETHICAL STANDARDS, APPROVED THE UNETHICAL ARRANGEMENTS IS AN EXAMPLE OF HIGH-LEVEL HYPOCRISY.

MRS DERIAN, I AM TOLD, IS AN ESTIMABLE WOMAN WHO TOOK A STRONG CIVIL RIGHTS POSITION WHEN SUCH A STAND IN MISSISSIPPI TOOK COURAGE. MR CARTER III, SCION OF A NEWSPAPER CLAN, SERVED AS CO-CHAIRMAN OF THE LOYAL DEMOCRATS OF MISSISSIPPI AND IS SURELY DESERVING OF A SUBCABINET PLUM. BY DISCLOSING THEIR INTERESTS AND ASKING FOR RULINGS, THEY HAVE ACTED COMPLETELY WITHIN THE LAW.

BUT AS WE SEE, THE ETHICAL STANDARD SET BY THE CARTER WHITE HOUSE AND THE CARTER STATE DEPT IS NOT AS HIGH AS THE HIGH-SOUNDING STATEMENTS WOULD HAVE US BELIEVE.

DISCLOSURE IS ONLY THE GATEWAY TO PROPRIETY. IN THIS INSTANCE, WE HAVE A CASE -- ALL ON THE RECORD, NO ATTEMPT TO CONCEAL -- THAT IS A CONFLICT OF INTEREST, IF THAT PHRASE HAS ANY MEANING. BUT BECAUSE IT IS IN THE PUBLIC RECORD, NO WATCHDOGS HOWL.

PUBLIC SERVICE SOMETIMES REQUIRES FINANCIAL SACRIFICE;
THE PRESIDENT'S SUBCABINET APPOINTEES SHOULD DIVEST THEM-
SELVES OF THEIR POTENTIAL FOR BONANZA-BY-GOVERNMENT-DECI-
SION, SO THAT AMERICANS CAN BELIEVE, AS PRES CARTER SO
UNCLASSIFIED

UNCLASSIFIED

PAGE 05 STATE 105062 TOSEC 040103

RECENTLY PROMISED, THAT "THEIR GOVERNMENT IS DEVOTED

EXCLUSIVELY TO THE PUBLIC INTEREST."

END TEXT

2. BROWN PLANS "NO COMMENT" TO ANY QUESTIONS AT MONDAY
NOON BRIEFING BUT WILL ATTEMPT TELEPHONE CARTER BEFORE
GOING ON.

CHRISTOPHER

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